

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DOUGLAS W. HILL,

Plaintiff,

v.

**Civil Action 2:23-cv-2243
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

MIDWEST CAN COMPANY,

Defendants.

ORDER

This matter is before the Court on Third-Party Defendant Midwest Can Company's Motion for Voluntary Dismissal of Third-Party Defendant Homier & Sons, Inc., Without Prejudice (ECF No. 80). The Motion is **GRANTED IN PART and DENIED IN PART**. Midwest represents that Homier consents to dismissal of Midwest's third-party claims against it. Accordingly, Midwest's third-party claims against Homier are **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 21 and the Clerk is **DIRECTED** to terminate Third-Party Defendant Homier & Sons, Inc., as a party on the docket.

Midwest also suggests that dismissal of Homier will automatically result in dismissal Fourth-Party Defendant Pace, Inc., as claims against Pace were made solely by Homier. Midwest cites no authority for this automatic dismissal. Moreover, Midwest's motion does not reflect that either Homier or Pace were consulted regarding the dismissal of Homier's fourth-party claims against Pace. Accordingly, Midwest's request to dismiss Homier as a Fourth-Party Plaintiff and

Pace as a Fourth-Party Defendant is **DENIED WITHOUT PREJUDICE**. If Homier wishes to dismiss its fourth-party claims against Pace, it may file a motion to that effect.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE